



Virginia  
Regulatory  
Town Hall

## Exempt Action Final Regulation Agency Background Document

<b>Agency Name:</b>	Virginia Waste Management Board
<b>VAC Chapter Number:</b>	9 VAC 20-60
<b>Regulation Title:</b>	Hazardous Waste Management Regulations,
<b>Action Title:</b>	Immediate Final Rule: Amendment 2002

*Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 et seq. of the Code of Virginia) and file with the Registrar and publish their regulations in a style and format conforming with the Virginia Register Form, Style and Procedure Manual. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.*

*This agency background document may be used for actions exempt pursuant to § 9-6.14:4.1(C) at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar at the proposed stage.*

*In addition, agency actions exempt pursuant to § 9-6.14:4.1(B) of the APA are not subject to the requirements of the Virginia Register Act (§ 9-6.18 et seq. of the Code of Virginia) and therefore are not subject to publication. Please refer to the Virginia Register Form, Style and Procedure Manual for more information.*

### Summary

*Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

Hazardous Waste Management Regulations, 9 VAC 20-60-12 et seq., include requirements in the form of incorporated federal regulatory text at Title 40 of the Code of Federal Regulations. The federal regulatory text as it existed July 1, 2001 was specified as that incorporated.

Immediate Final Rule: Amendment 2002 addresses only 9 VAC 20-60-18, the section making

the specification of the date of incorporated text. This section is altered by striking the previous prescribed date and adopting the new date of July 1, 2002, thus making it the new date of reference of all incorporated federal regulatory text. The effective date of the incorporated text will be the effective date as published in the Federal Register notice or the effective date of this amendment, whichever is later.

### Statement of Final Agency Action

*Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

**The Board of Waste Management approved Immediate Final Rule: Amendment 2002 on September XX, 2002 as a final regulation, a revision of 9 VAC 20-60-18 of the Hazardous Waste Management Regulations.**

### Additional Information

*Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.*

*Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG's certification is not required for Marine Resources Commission regulations.*

*If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.*

A copy of Immediate Final Rule: Amendment 2002, the final regulation, is attached; there are no forms associated with the action; and the only incorporated material is from the U. S. Code of Federal Regulations. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the regulation and that it comports with applicable state and/or federal law. Part 271, particularly Section 271.4, of Title 40 of the Code of Federal Regulations requires that authorized hazardous waste management programs of the states have essential statutory and regulatory requirements consistent with current federal requirements.

### Family Impact Statement

*Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

**There is no impact on the institution of the family or family stability.**

Changes to Federal Hazardous Waste Management Regulations Between July 1, 2001 and June 30, 2002

USEPA Checklist Number	Date(s) Final Federal Regulations Published	CFR Sections Affected by Federal Amendment(s)	Federal Rule Reference(s)	Summary of Changes
188	July 3, 2001	40 CFR 264	66 <u>FR</u> 35087	This July 3, 2001 amendment made clarifying improvements to 40 CFR 264.340 to coordinate with the implementation of the emission standards of 40 CFR part 63 for hazardous air pollutants from combustors.
194	Oct. 3, 2001	40 CFR 261	66 <u>FR</u> 50332	This rule clarified the May 16, 2001 mixture rule. Specifically, the rule states that mixtures of certain excluded wastes (Bevill wastes) and that hazardous wastes listed solely because they contain a characteristic of ignitability, corrosivity, and/or reactivity, are exempt once the characteristic has been removed.
195	Nov. 20, 2001 April 9, 2002	40 CFR 261 40 CFR 268 40 CFR 271	66 <u>FR</u> 58258 67 <u>FR</u> 17119	EPA added to its list of hazardous wastes, three inorganic chemical manufacturing wastes. This listing subjects the wastes to RCRA Subtitle C management and treatment standards and CERCLA emergency notification requirements for releases to the environment. Further, the toxic constituents found in these newly listed wastes were added to the list of constituents which forms the basis for classifying wastes as hazardous and establishes treatments standards for the wastes. Also, it subjected the three wastes to the universal treatment standards under the LDR program. The April 9, 2002 amendment corrected several errors made to the Treatment Standards for Hazardous Waste table at 268.40.
196	Jan. 22, 2002	40 CFR 260 40 CFR 264 40 CFR 271	67 <u>FR</u> 2962	The 1993 Corrective Action Management Unit (CAMU) rule was amended to facilitate treatment, storage and disposal of hazardous wastes managed for implementing cleanup. The 1993 CAMU rule was revised as follows: a definition for "CAMU-eligible waste" was created (distinct from the 40 CFR 260.10 definition of "remediation waste"); more detailed minimum design and operating standards were adopted for CAMUs in which waste remains after closure (with opportunities for approved alternate designs); treatment requirements were adopted for wastes placed in CAMUs (including minimum treatment standards and opportunities for adjustment); more specific CAMU application information was required prior to a determination, including public notice and opportunity for comment; requirements were added for CAMUs used only for treatment and storage; and "grandfathering" of certain types of existing CAMUs was provided, allowing them

				<p>to operate under the 1993 rule. This rule also amended the regulations for staging piles to allow for mixing, blending and other similar physical operations that prepare wastes for subsequent management or treatment and added a new provision that allows off-site placement of hazardous CAMU-eligible waste in hazardous waste landfills, if it is treated to meet CAMU treatment standards.</p>
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197	Feb. 13, 2002	40 CFR 264 40 CFR 265 40 CFR 266 40 CFR 270 40 CFR 271	67 <u>FR</u> 6818	In 1999, the EPA promulgated the NESHAPS rule to control emissions of hazardous air pollutants from incinerators, cement kilns and lightweight aggregate kilns that burn hazardous wastes. The federal appellate court subsequently vacated portions of the rule in 2001. In 2001, the court stayed its mandate to allow EPA time to develop interim standards and final standards. This rule replaces the vacated emission standards temporarily until final standards are promulgated (by June 14, 2005).
198	Feb. 14, 2002	40 CFR 266 40 CFR 270	67 <u>FR</u> 6968	This rule corrected several technical errors made on 1999 NESHAPs rule when EPA established standards for hazardous waste-burning cement kilns, lightweight aggregate kilns, and incinerators.
199	March 13, 2002	40 CFR 261	67 <u>FR</u> 11251	The appellate court vacated two parts of the 1998 Phase IV LDR rule. The first part vacated resulted in deletion of regulatory language classifying mineral processing characteristic by-products and sludges being reclaimed as solid wastes. The second part vacated caused the use of the Toxicity Characteristic Leaching Procedure to be disallowed in determining whether manufactured gas plant waste is hazardous. This rule corrects the regulations accordingly.